Supreme Court, U.S.
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No.

IN THE
Supreme Court of the United States

MICHAEL J. MAJOR & MARK R. MAJOR, father and son, on their own behalf, and MICHAEL J. MAJOR on behalf of his minor children: MATTHEW E. MAJOR, MIRANDA K. MAJOR, MARTIN L. MAJOR, MELANIE R. MAJOR, MARLON C. MAJOR,

Petitioners,

v.

PORT TOWNSEND POLICE DEPARTMENT (PTPD), et al,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE NINTH CIRCUIT COURT OF APPEALS

PETITION FOR A WRIT OF CERTIORARI

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8208

QUESTION PRESENTED

1. Whether it is tolerable that federal and state judges systematically fail to uphold the U.S. Constitution and the laws of the land and to abdicate the independence of the judiciary for the express purpose of serving the corrupt interests of the state?

LIST OF ALL PARTIES

MICHAEL J. MAJOR &
MARK R. MAJOR, father and son, on their own behalf
and
MICHAEL J. MAJOR ON behalf of his minor children:
MATTHEW E. MAJOR,
MIRANDA K. MAJOR,
MARTIN L. MAJOR,
MELANIE R. MAJOR,
MARLON C. MAJOR,

Plaintiffs

vs.

PORT TOWNSEND POLICE DEPARTMENT (PTPD),

ERIC JOHNSON, individually and in his capacity as a WA Municipal Officer,

CITY OF PORT TOWNSEND,

DAN KELLEHER, individually and in his capacity as a WA Municipal officer,

PORT TOWNSEND SCHOOL DISTRICT,

AMI FIELDS, individually and in her capacity as a State School Official,

EUGENE MEDINA, individually and in his capacity as a WA Municipal Officer,

JIM NEWTON, individually and in his capacity as a WA Municipal Officer,

CAROLYN R. MAJOR, individually and in her capacity as a State School Employee,

JEFFERSON COUNTY SUPERIOR COURT,

WILLIAM E. HOWARD, individually and in his capacity as a State Judge,

KEN WILLIAMS, individually and in his capacity as a State Judge,

SHARON THATCHER, individually and in her capacity as a WA Lawyer,

DOMESTIC VIOLENCE/SEXUAL ABUSE PROGRAM, a WA Nonprofit Agency,

PEGGY THOMPSON, individually and in her capacity as Director of a WA Nonprofit Agency,

GLYNDA SHAAD, individually and in her capacity as a State Court Official,

M. KARLYNN HABERLY, individually and in her capacity as a State Judge,

RICHARD SHANEYFELT, individually and in his capacity as a State Commissioner,

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS),

DIVISION OF CHILD SUPPORT (DCS),

JAMES CONANT, individually and in his capacity as a State Official,

WILLIAM KELLINGTON, individually and in his capacity as a State Official,

DALE RAMMERMAN, individually and in his capacity as a State Judge,

LAKE WASHINGTON SCHOOL DISTRICT,

RONALD BARNES, individually and in his capacity as a State School Official,

ROGER DUNN, individually and in his capacity as an Investigator for a State School District.

JEFFERSON COUNTY,

JEFFERSON COUNTY SHERIFF ADMINISTRATION,

JEFFERSON COUNTY CHILD PROTECTIVE SERVICES,

PETER TRYGSTAD, individually and in his capacity as a WA County Official,

RANDAL KELLEY, individually and in his capacity as a WA County Employee,

ROBIN BIFFLE, individually and in her capacity as a WA Municipal Officer,

REID E. STEVENS, individually and in his capacity as a State School Official,

JAMES D. ROPER, individually and in his capacity as a State Judge,

SKAGIT COUNTY SUPERIOR COURT,

DAVID E. NEEDY, individually and in his capacity as a State Commissioner,

JOHN M. MEYER, individually and in his capacity as a State Judge,

MIKE A. FISHER, individually and in his capacity as a State Court Official,

WASHINGTON STATE COURT OF APPEALS,

ERNETTA SKERLEC, individually and in her capacity as a State Commissioner,

DEAN MORGAN, individually and in his capacity as a State Commissioner,

SKAGIT COUNTY,

SKAGIT COUNTY JUVENILE PROBATION DEPARTMENT,

LAURE BERGSMA, individually and in her capacity as a WA County Employee,

KENNETH VAN LIEW, individually and in his capacity as a WA County Employee,

CHRIS KENNEDY, individually and in his capacity as a WA County Employee,

JACKIE VANDER MUELEN, individually and in her capacity as a WA County Employee,

ANACORTES CITY POLICE DEPARTMENT (ACPD),

GORDON ALVES, individually and in his capacity as a WA Municipal Officer,

TIM O'LEARY, individually and in his capacity as a WA Municipal Officer,

KEITH HUNT, individually and in his capacity as a WA Municipal Officer,

SKAGIT COUNTY CHILD PROTECTIVE SERVICES,

PAUL JOHNSON, individually and in his capacity as a WA County Employee,

GERALD GOULD, individually and in his capacity as a WA County Employee,

JAMES DONOVAN, individually and in his capacity as a WA County Employee,

LYLE POOLMAN, individually and in his capacity as a WA County Official,

CITY OF ANACORTES,

STEVEN ECKROTH, individually and in his capacity as a State Employee,

GRAYSON ASSOCIATES, an Agency under Contract to a WA County Agency,

CYNTHIA GRAYSON, individually and in her capacity as Director of an Agency under contract to a WA County Agency,

M. E. TAYLOR, individually and in her capacity as an Employee for an Agency under contract to a WA County Agency,

KITSAP COUNTY,

DAVID DELMENDO, individually and in his capacity as a WA County Official,

RICK HANNES, individually and in his capacity as WA Municipal Officer,

LOU D'AMELIO, individually and in his capacity as a WA Municipal Officer,

KATHY RYAN, individually and in her capacity as a WA Municipal Officer,

BRUCE L. LEMON, individually and in his capacity as a State Official,

SARAH S. RICE, individually and in her capacity as a State Court Official,

OFFICE OF THE SKAGIT COUNTY PROSECUTING ATTORNEY,

GWEN L. HALLIDAY, individually and in her capacity as a WA County Official,

STEFANIE COVERSON, individually and in her capacity as a State Employee,

PAMELA M. GREEN, individually and in her capacity as a State Court Official,

THOMAS L. VERGE, individually and in his capacity as a WA County Official,

KURT E. HEFFERLINE, individually and in his capacity as a WA County Official,

LYLE QUASIM, individually and in his capacity as a WA County Official,

JAMES KELLY, individually and in his capacity as a State Official,

CHERYL STEPHANI, individually and in her capacity as a State Official,

BILL WEGELEBEN, individually and in his capacity as a State Official,

BEVERLY WILSON, individually and in her capacity as a State Official,

CHARLES REED, individually and in his capacity as a State Official,

RALPH SMITH, individually and in his capacity as a State Official,

ROSIE ORESKOVICH, individually and in her capacity as a State Official,

LIZ DUNBAR, individually and in her capacity as a State Official,

GERARD SIDOROWICZ, individually and in his capacity as a State Official,

JOHN BUMFORD, individually and in his capacity as a State Official,

CHILD PROTECTIVE SERVICES, a State Organization,

KEN PATTIS, individually and in his capacity as a State Official,

MEG SOLLENBERGER, individually and in her capacity as a State Official,

STATE OF WASHINGTON,

GARY LOCKE, individually and in his capacity as a State Official,

OFFICE OF THE WA STATE ATTORNEY GENERAL,

CHRISTINE GREGOIRE, individually and in her capacity as a State Official,

DEAN MAXWELL, individually and in his capacity as a WA Municipal Official,

MIKE KING, individually and in his capacity as a WA Municipal Officer,

NICK PETRISH, individually and in his capacity as a WA Municipal Official,

KEN BROWN, individually and in his capacity as a WA Municipal Official,

BILL CARLISLE, individually and in his capacity as a WA Municipal Official,

BUD ROCK, individually and in his capacity as a WA Municipal Official,

JEANNE ROBINETTE, individually and in her capacity as a WA Municipal Official,

TERRY CHRISTIANSEN, individually and in his capacity as a WA Municipal Official,

RAY SIZEMORE, individually and in his capacity as a WA Municipal Official,

KITSAP COUNTY SHERIFF ADMINISTRATION,

BARBARA RAZEY, individually and in her capacity as a WA County Officer,

DONNA GATSFIELD, individually and in her capacity as a WA County Officer,

DAVID FLEMING, individually and in his capacity as a WA County Officer,

WASHINGTON STATE BAR ASSOCIATION,

FELICE P. CONGALTON, individually and in her capacity as a WA State Bar Official,

JAMES B. DREWLOW, individually and in his capacity as a WA State Bar Official,

STEPHEN C. SMITH, individually and in his capacity as a WA State Bar Official,

KIMBERLY S. GROTZ, individually and in her capacity as a WA State Bar Official,

COMMISSION ON JUDICIAL CONDUCT,

DAVID AKANA, individually and in his capacity as a State Official,

DEPARTMENT OF GENERAL ADMINISTRATION, a State Agency,

JOHN BILBREY, individually and in his capacity as a State Official,

CENTRAL KITSAP SCHOOL DISTRICT,

TIMOTHY D. PASCHAL, individually and in his capacity as a State School Official,

CATHERINE DAVIDSON, individually and in her capacity as a State School Official,

ALLEN T. HUGHES, individually and in his capacity as a State School Official,

DIRK GLEYSTEEN, individually and in his capacity as a State School Official,

WASHINGTON STATE OFFICE OF ADMINISTRATIVE HEARINGS,

JOHN MACARRO, individually and in his capacity as a WA State Judge,

WILLIAM YATES, individually and in his capacity as a State Employee,

MICHAEL R. RICKERT, individually and in his capacity as a State Judge,

SUSAN K. COOK, individually and in her capacity as a State Judge,

MARY RICHARDS, individually and in her capacity as a State Court Employee,

TERRY ALLING, individually and in his capacity as a WA Municipal Officer,

JOHN SMALL, individually and in his capacity as a WA Municipal Officer,

M. M. PERKINS, individually and in his capacity as a WA Municipal Officer,

WILLIAM LOFTIS, individually and in his capacity as a WA Municipal Officer,

MIKE HANSEN, individually and in his capacity as a WA Municipal Officer,

STEVE ASHLOCK, individually and in his capacity as a WA Municipal Officer,

WAYNE KORTERUD, individually and in his capacity as a WA Municipal Officer,

JEFFERSON COUNTY DISTRICT COURT,

THOMAS J. MAJHAN, individually and in his capacity as a State Judge,

DSHS BOARD OF APPEALS,

DOUGLAS W. LUNA, individually and in his capacity as a State Judge,

Respondents.

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Petitioner respectfully prays that a writ of certiorari issue to review the judgement below.

OPINIONS BELOW

The opinion of the United States Ninth Circuit Court of Appeals appears at Appendix A and is unpublished.

JURISDICTION

The date on which the Court of Appeals decided this case is November 13, 2000.

This Court has jurisdiction pursuant to Rule 10 which states that a writ of certiorari may be granted when a United States court of appeals "has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power."

CONSTITUTIONAL PROVISIONS, STATUTES AND RULES

The Constitution of the United States, Amendments 1, 4, 5, 8, 9, 13, and 14. Statutes: 18 USC 1951 and 1961, 241 and 242; 28 USC 1343; 42 USC 1983, 1985, 1986, and 1998; 28 USC 1331 and 2283.

Younger v. Harris, Jr. et al, 401 US 37 27 L Ed 2d 669, 91 S Ct 746 (1971).

Fed. Rule Civ. Proc. 56(e).

STATEMENT OF THE CASE

I.

BACKGROUND.

This conflict began on October 18, 1993, when the oldest of the Petitioner's six adopted children, Mark, then 12-years old, was detained for an entire afternoon at the Port Townsend, WA Middle School and interrogated by the principal, a policeman, and a fireman who attempted to pressure him to confess to making a false 911 call. Mark refused. The three adults, even though they had separately interviewed the two youths who had both confessed to the deed and exonerated Mark, emotionally battered Mark in an attempt to make him confess to a crime they knew he hadn't committed. When Mark still refused, the policeman fabricated a confession.

Mark's mother, Carolyn R. Major, an unemployed school librarian, who was angling for a job with the school district, sided with the authorities against her son. The Petitioner, however, on behalf of his son, initiated what turned out to be a lengthy lawsuit against the school district and city.

The ground, therefore, was fertile for what took place on October 30, 1995, when Ms. Major filed, as the start of divorce proceedings, a restraining order, swearing, "under penalty of perjury," that for the past ten years, during which time she had fully cooperated in adopting the final five of their children, she and the children had been continually subjected to life-threatening domestic violence by the Petitioner.

The several file boxes of pleadings which have ensued can best be summed up by a single illustration. In King County, the largest county in

Washington State, whenever a woman files for divorce, and there is a custody issue, the preprinted forms establish, a priori, that the father has been guilty of domestic violence, and the mother is to receive full custody, plus all the financial benefits that will accrue, including state funds fraudulently gained; the father's house, car, and other possessions; plus an exorbitant child support, which is arbitrarily established, and is never subject to meaningful review.

The case has been effectively decided before the first judge ever arrives on the scene. He simply rubber stamps the papers the mother's lawyer hands to him, and his rulings, no matter how far removed from reality, are then rigorously and religiously upheld by every succeeding judge.

In this, and in every similar case, which has its legal ground in judicially-endorsed perjury and welfare fraud, it is hardly surprising that the resulting litigation is characterized by a massive trampling of constitutional rights, federal and state statutes, and civil procedures.

In this case alone, there have been literally hundreds of instances of suppression of evidence, falsification of documents, denial of and/or blackmail and bribery of witnesses, denial of any pretrial discovery, judges meeting alone with opposing parties and allowing them to submit motions to be granted before the Petitioner ever heard about them. At the start of a break at the state trial last year, the opposing lawyer and state prosecutor joked and giggled, loudly enough for anyone in the courtroom to hear, that all they had to do was say "objection" and the judge would bark "sustained."

The judges, of course, work at systematically undermining the laws not in isolation, but in tandem

with various state agencies, most notoriously Child Protective Services (CPS) and Division of Child Support (DCS), misnomers, to say the least. The judges' failure to uphold the law, at the instigation of these agencies, has the direct result that these same judges cannot even uphold their own orders.

Here is but one of several illustrative examples. Ms. Major, who did not want Mark, was initially given custody of five of the six children. By late 1997, however, the situation had reversed itself in that five of the six children were then living with the Petitioner. Petitioner secured an order from an administrative judge reversing the child support flow. This order was approved by an order from the superior court commissioner.

However, operatives from CPS and DCS, working their own agenda, effectively overruled both orders to cut off court-ordered child support obligations of Ms. Major and reactivate exorbitant demands upon the Petitioner. Petitioner exposed this fraud in court on numerous occasions. But the commissioner, having received his marching orders from the corrupt interests of the state, covered up the breach of his own and the administrative judge's orders. Subsequent judges added more lawyers to the cover-up, each one more flagrantly deceitful than the one before.

All of this has been accompanied by an escalating defamation campaign against the Petitioner, in an ongoing attempt to criminalize him, along with relentless harassment, intimidation, and threats of imprisonment.

Judges have refused Petitioner's countless attempts to receive due process and have a hearing exposing the primal perjury of the alleged domestic violence. Moreover, judges refused Petitioner's also

countless motions to have admitted as evidence the documentation showing that he had long paid any legally required child support and that Ms. Major, in fact, was significantly in arrears. Instead, DCS, with court approval, gutted Petitioner's bank account, intimidated his employers to put him out of work, took away his driver's license, and charged exorbitant fines with the threat of jail if he didn't pay.

Yet even more virulent than the authority's attacks against the Petitioner (who had never in his life previously been accused of any crime or any unethical conduct whatsoever) were those against his children.

If there's anything more heinous than a woman falsely accusing her husband of domestic violence for the basest of reasons, it is literally hundreds of judges, lawyers, and public officials conspiring to not only cover up, but also to perpetuate her maternal child abuse. The horrific child abuse enacted by Ms. Major subsequent to separation has been documented in a thick file of counselor reports. Yet Petitioner's numerous attempts to have these reports admitted as evidence have been met by the judges and other authorities with attempts, sometimes successful, to blackmail or bribe these counselors into reneging, or refusing to admit these papers into evidence, or, if submitted anyway, simply ignored.

The courts' and government agencies' enforcement arm for what the U.S. Supreme Court (*Younger v. Harris*) has termed "official lawlessness" has been the police. Here, again, the main strategy to hurt the father has been to destroy his children.

In Port Townsend, CPS and the police inveigled Mark and another of Petitioner's sons into foster care, even though neither father nor sons had made any complaint against the other. Police placed unrelenting

pressure on Mark to initiate a court action which would put his father in jail or to testify that his father had enacted domestic violence against his youngest brother, still at home. Mark refused. When CPS refused to release his sons, even though it had no legal basis for keeping them, and had revealed that they intended to ship them into foster care in another county, Petitioner took them out of school and drove them home. CPS and the police then orchestrated a raid on the Petitioner's home, forcing the family to literally flee the county in the middle of the night. They ended up in Anacortes.

Petitioner's second oldest children, the twins, Matthew and Miranda, were 13 when the divorce proceedings started, and were so at their most vulnerable age. Within hours of their mother severing them from their father, these previously gentle children, now bereft of any parental discipline, were transformed. Matthew, suddenly the oldest "man" in the house, began beating on his mother and bragging about the bruises. Both twins embarked on sustained rampages of violent and destructive behavior, fueled by similar behavior from their mother. She made repeated attempts to put them into prison, foster care, anywhere but their father's home. In late 1997, the twins decided to move to their father's home on their own.

The twins were very damaged, but might have had a chance, had they not been betrayed by the authorities. By this time they had both accumulated a criminal record. But the probation department, instead of working with the Petitioner to mutually reinforce parental and court-ordered discipline, made every effort to turn the twins against their father. They made clear to the twins that they would not enforce any court-ordered disciplines, and would, for example, allow them to break curfew and stay out all night, and

they would quash any of their father's attempts to do anything about it, such as have them reported as runaways. This, in fact, did happen.

When, so encouraged by the probation department, as well as their mother, the twins embarked on a series of violent and destructive actions, the Petitioner called the police. The police, however, made clear to the twins that they had their permission to do whatever they wanted, and the police wouldn't interfere. Moreover, the police coached them that the party that calls 911 first "wins." The police worked with the twins for a set-up to put their father in jail.

When the scam occurred, and Miranda called 911, and the police came to put the Petitioner in handcuffs, Mark protested that Miranda had made a false 911 call and that his father had never harmed any of them in their lives. The police, in response, battered Mark mercilessly. One of them lifted him from behind with a choke hold, and, his feet off the ground, jerked him back and forth, resulting in a severe and debilitating back injury. Mark was shoved into a police car, and, his hands handcuffed behind him, a policeman pounced on him, and strangled him until he was unconscious. When Mark awoke, the policeman strangled him again, until he passed out again, almost permanently. Mark and his father were taken to jail on multiple bogus charges which were eventually dropped.

Matthew, filled with remorse, repeatedly told a neighbor, often sobbing, that the 911 call was false, and his father had not inflicted any violence on them. Through the neighbor, Matthew twice tried to submit a confession, but was blackmailed out of it, first by the probation department, and then by CPS, who told him that if he followed through they would put him in jail.

Ms. Major, who could not control the twins, did not want them back. But both CPS and DCS bribed her to take them back with the promise that they would cancel the court ordered child support then required of her and reactivate the exorbitant support against the Petitioner. The twins, who were first sent to foster care, and then sent to their mother, predictably went on a rampage of violence. But CPS repeatedly told them that if they returned to their father, who offered to take them back, they would be sent to prison. The twins are now 18, have not finished high school, and, unless a miracle occurs, have been psychologically destroyed for life.

Martin, now 15, also came to live with his father in late 1997, and was making considerable progress. Ms. Major, however, though she had voluntarily given up custody, then made unrelenting efforts through proxies to undermine his father's discipline and woo him back. She recently succeeded, with the implicit promise that, as demonstrated by the twins, in the mother's home, the children are in charge, not the parent.

As part of her enticement, she allowed Martin to drop out of school. Though state law requires a child remain in school until he is 18, Ms. Major allowed him to drop out. Moreover, the state judge, although he had in his hands the irrefutable evidence that he had dropped out of school, colluded with Ms. Major in breaking this state law and transferred custody of Martin to her. Martin, very bright, in the 95th percentile in math, certainly has college potential. But now, because of the collusion between his mother, a public school teacher, and a judge, in breaking the law and allowing him to drop out of school, they have effectively destroyed this young man's future.

Melanie, now 13, is a developmentally disabled child. After her mother had denied her court-ordered weekly visitation for an entire year, when she was finally allowed to visit her father over Christmas 1998, she said she wanted to stay with her father. Petitioner took her to a Ph.D. counselor, who, after interviewing Melanie, wrote that Ms. Major's home represented "a clear and present danger to Melanie's physical and emotional well-being," and had her findings concurred to by another Ph.D.

Ms. Major, not content to allow this matter to be resolved in court, broke through the back door of the Petitioner's home with two rogue policemen, without a warrant. When the police admitted they didn't have a warrant, and Petitioner repeatedly asked them to leave, one instead assaulted the Petitioner, and they both traumatized and kidnapped Melanie.

When the Petitioner reported this to the court, the commissioner accused the Petitioner of violence, covered up the illegality, and awarded Ms. Major by denying any visitation of Melanie with her father. Melanie has not seen her father since.

Marlon, now 10, had maternal affection demonstrated to him through such actions as, when he was 6, his mother dragging him by the ankles down the hallway, his head bouncing against the floor and walls, to the bathroom where he was forced to eat almost an entire bar of soap. Marlon fled his mother and refused to return.

Though she gave up custody, she since then has made numerous attempts to get him back. For instance, last year, she took him to a counselor (the same CPS operative involved in the bribe to Ms. Major regarding the twins), and attempted to pressure Marlon into defaming his father and stating he wanted

to live with her. When Marlon refused, she bribed the counselor to write it anyway. This effort backfired when the Petitioner produced numerous letters from counselors, teachers, and parents of Marlon's friends, to whom Marlon had confided, and who revealed the lie for what it was. Since Petitioner was able to get Marlon into his home at an early age, he is thriving in every way. But his mother is still unrelenting in her attempts to destroy him.

The youth who has suffered the most sustained persecution, however, is Mark. After aggravated assault and attempted murder by the police led to the bogus charges against him being dropped, the Anacortes police initiated a sustained, court-encouraged vendetta against this young man. He has been subjected to several police assaults, often with his hands handcuffed behind him. For long periods, the household has been in a state of siege, with the police continually prowling, trespassing, flooding the house with searchlights in the middle of the night. The house has often been raided, without warrants, with warrants that have expired, or warrants issued on bogus charges. Police have twice attempted to plant false evidence and have stolen household goods in an attempt to set up a false burglary charge against Mark. Up to eleven different officers raided the house on two successive days. Unable to find any of the items on their warrant, they began reading his private mail, which was not on the warrant. When Mark protested that they were breaking the law, four of them threw him down stairs and took him to jail on a $20,000 bond.

He has been continually arrested and thrown into jail for an "investigation" which never materializes, but which results in excessive fines and bonds. At one point he was arrested for driving under the influence, although he wasn't, was stopped without probable

cause, passed the balance and breath tests, and was refused a blood test, which he requested, and was his right. Mark has continually attempted to move to a different county to start his life anew, but the conspiracy to destroy him has followed. He has had up to five warrants for his arrest for fines stemming from this not driving under the influence incident and similar bogus charges.

Though he has attempted to pay these fines, which have resulted in losing his license, he has been unable to, since the police and officials have systematically caused him to lose over a dozen jobs, either through raiding and assaulting him at his place of employment, intimidating his employees, or, when he got a job outside the area, forcing him to return for a bogus hearing at which, as often as not, the judge does not show up. He has been told he has been excused from a hearing, only to have a warrant issued for his arrest for not attending that hearing. On a number of occasions, different jurisdictions have scheduled a hearing at the same date, both refusing his requests to postpone either one. The one he doesn't attend then puts out a warrant for his arrest.

In addition to having received the serious back injury at the hands of the police, which often leaves him in bed in agonized pain, for several days at a time, unable to move, Mark recently suffered a heart attack from all of the accumulated stress, which the doctors said was unusual for a man so young, only 19. His chance for a viable life has by now already been severely compromised, yet the authorities have not ceased in their unrelenting efforts to destroy him completely.

None of this is an anomaly of an otherwise functioning system of justice, but rather the direct result of an entirely dysfunctional system, one made

possible only through judicially endorsed lawlessness and violence.

II.

THE ISSUE.

Of the literally hundreds of violations of law summarized in the above section, this appeal is limited to the issue submitted to the Ninth Circuit Court of Appeals, the order denying that appeal attached (Appendix A).

The other Appendix attachments as referred to in the following narrative are presented in chronological order, for clarity.

On about August 2, 1999, Petitioner filed an affidavit of prejudice against the Skagit County Superior Court head judge, Judge John M. Meyer (Appendix D), plus an objection (Appendix E), to which was attached a journalistic paper, "Racketeering Among the Government Agencies of Washington State."

On August 5, 1999, Judge Meyer ordered that this paper should be filed and that the Petitioner could note those racketeering issues, raised in that paper, for trial (Appendix F).

On November 22, 1999, the state prosecutors set the case for trial, but did not include the racketeering/civil rights issues (Appendix G).

Petitioner did timely note these issues on December 2, 1999 (Appendix H). This was ignored.

The Skagit County administrator and deputy clerk, on December 13, 1999, set the case for trial,

without including the Petitioner's racketeering/civil rights issues (Appendix I).

On February 22, 2000, after a continuance, Petitioner filed his second paper noting these federal issues for trial (Appendix J).

On March 2, 2000, the Skagit Court again set the case (Appendix K), again overriding Judge Meyer's order and refusing to include the Petitioner's federal issues.

Petitioner, through this period, made several appeals to the court administrator, deputy clerk, lesser judges, and Judge Meyer, to uphold the latter's order. All were ignored. In all of the pretrial proceedings, all of the Petitioner's discovery requests were denied, whether they related to the racketeering issues or not, on the basis that all of them, even if they related to custody or child support, were "racketeering" related, and so could not be addressed by that court.

Petitioner submitted his federal complaint to the U.S. District Court of the Western District of Washington, with over 100 defendants, only a partial number of the hundreds of parties who either actively or passively perpetuated this institutional lawlessness.

On December 8, 1999, Judge Thomas S. Zilly rejected the complaint for lack of appropriate form and ordered that it be corrected or it would be dismissed (Appendix L).

Petitioner thoroughly rewrote the complaint, in the process changing the caption from *Major et al v. Department of Social and Health Services (DSHS) et al* to *Major et al v. Port Townsend Police Department, et al.*

On February 7, 2000, Judge Zilly accepted the new complaint and, in his order, which incorporated the new caption, had it filed and appointed Magistrate Ricardo S. Martinez to handle pretrial matters (Appendix M).

However, on March 9, 2000, Magistrate Martinez issued his report and recommendation to dismiss the case (Appendix C).

At the time, the only defendant to submit a motion to dismiss was the Washington State Bar Association. This paper was so insubstantial that the Magistrate did not act on it, as he was authorized to do. Instead, he did what he was not authorized to do, and that is to override Judge Zilly's order and effectively dismiss the case. Note that, to do this, the Magistrate falsified the caption of the amended complaint, which Judge Zilly had accepted, changing it back to the original complaint, *Major v. DSHS*, so he could mendaciously state that "the amended complaint should be dismissed for failure to comply with the court's previous order..."

Magistrate Martinez, in so overriding Judge Zilly's order, thus mirrored exactly the lesser judges in state court overriding Judge Meyer's order.

Magistrate Martinez, who, as was to become his habit, instead of acting on arguments presented by opposing lawyers in their motions, effectively abdicated the role of impartial judge to become lead counsel for the defendants.

The arguments he presented were either easily correctible, such as Mark's IFP status, or Petitioner hiring a lawyer for his minor children, and were not critical, or, for the most part, so general as to be meaningless.

He did, however, refer to the "classic case" of *Younger v. Harris, Jr, et al*, 401 US 37 27L Ed 2d 669, 91 S Ct 746. Petitioner has, in fact, continually cited this case, and shown that this litigation did meet the stringent standards set forth in *Younger*, namely that there were allegations of massive bad faith and harassment, and that there was widespread "official lawlessness" and the threat of irreparable injury "both great and immediate," especially to Mark. Moreover, in this Court's discussion of *Younger*, 28 U.S.C. 2283 is explicitly subsumed into 42 U.S.C. 1983, which is the "expressly authorized" exception to 2283.

In this paper of Magistrate Martinez, however, he specifically argues "an adequate opportunity for the plaintiff to raise his federal questions in the state proceedings."

However, as shown above in this section, in all of the evidence the Magistrate had before him, the state court denied any opportunity whatsoever for the plaintiff to raise his federal questions in state court.

Furthermore, as if any more evidence was needed, the visiting judge in the then upcoming state trial, Judge Richard J. Thorpe, in his March 21, 2000 order (Appendix N), stated no less than four times that he would not consider the federal questions.

Petitioner timely submitted this additional evidence, with supporting evidence showing the overwhelming bad faith emanating from that court. It was ignored.

In his order of April 25, 2000, Judge Zilly reverted to the original caption, and, as did Judge Meyer in state court, allowed his order to be undermined by a lesser judge, who, in turn, took his marching orders

from the corrupt interests of the state, and ordered the case dismissed (Appendix B).

Petitioner timely filed an appeal to the Ninth Circuit Court of Appeals.

On August 11, 2000, Judges J. Clifford Wallace and Sidney R. Thomas of that court issued their intimidation order (Appendix O), breaching their own rules by demanding, upon threat of dismissal, the payment of the docket fee, even though the district court had granted the case IFP status. It also sent a clear signal to the defendants, as had Magistrate Martinez, that they would have no need to argue the case, that it would preemptively dismissed on their behalf.

This was accomplished by the order of Judges Jerome Farris, Stephen Reinhardt, and Andrew J. Kleinfeld (Appendix A).

Thus, it took the combined probity of no less than five U.S. Court of Appeals judges to determine that the abdication of the independence of the judiciary to the corrupt interests of the state was "so insubstantial as not to require further argument."

III.

THE FUTURE.

Though the matter before this Court stops in the above subsection, the institutionalized illegality, and therefore, litigation, didn't then come to a halt. The Court may find it helpful to see what has since transpired. For none of the previous judges have seemed to realize that court-sponsored illegality does not diminish that illegality, but only increases it.

Since, as shown above, the federal Magistrate Martinez said that the federal court could not hear the case since the state court was "competent" to hear federal questions, and the presiding state Judge Thorpe said he was "incompetent" to hear those questions, and that the Petitioner had to file a separate action – the Petitioner did exactly what these two judges recommended.

Petitioner filed two separate actions, one against Anacortes City, and its police, and the second against the Skagit County Superior Court and its personnel, in the latter court. The lawyers for these two cases promptly removed the cases to the U.S. District Court where the Petitioner had filed the same matter in the first place.

The case against Anacortes was assigned to Judge Marsha J. Pechman. Judge Pechman responded to Petitioner's partial summary judgement motion by ignoring the affidavits from Petitioner and three of the Major children who had heard the police coach the twins to set up the false 911 call. She ignored the affidavits of the four eyewitnesses who saw the police officers assault Mark for no other reason than he exposed the arrest of his father as a set up. She ignored the affidavit from the neighbor to whom Matthew had repeatedly confided that the 911 call had been false, that affidavit also detailing how the neighbor had twice attempted to help Matthew submit his confession, but how he had been coerced out of it on two separate occasions by blackmail threats by CPS and DCS to put him in jail. Judge Pechman also ignored the medical report that detailed that Mark's severe back injury, plus other symptoms, such as the black marks on his throat, were the direct result of the police assault.

Instead, Judge Pechman covered up the crimes by accepting the transparently perjured testimony of the two policemen, thus using the imprimatur of a U.S. District Court to aid and abet police condoning crime, inciting youth to crime, conspiring to set up a false 911 call, false arrests, aggravated assault and attempted murder, plus covering up CPS' and DCS' implication in these crimes. Judge Pechman, in so doing, actively encouraged increased police violence against the Major family, telling the police, in effect, that they had the blessing of a U.S. District Court for any added violence the police may wish to enact against the Major family, which violence was quick in coming.

When Petitioner filed a partial summary judgement against the Skagit Court, the same as presented in the previous section, Magistrate Monica J. Benton, seeing that the opposing lawyers could present no arguments to defend against it, came up with some technical flimflam and issued an order to show cause why the case should not be remanded back to state court.

Petitioner exposed the technical fraud. Enter Magistrate Martinez, against whom Petitioner had filed an affidavit of prejudice because of his involvement in the first case. Magistrate Martinez refused to disqualify. The presiding judge, Judge Barbara J. Rothstein, overrode Petitioner's objection, for technical reasons, but added, gratuitously, that "Major simply disagrees with the outcome."

One of the opposing lawyers, who had removed the case, argued against remand, though for all the wrong reasons. The other didn't know what to say, so said nothing. Magistrate Martinez was then caught in the contradiction of having recommended the case be returned to state court to serve the corrupt interests of

the state, which then removed it back to federal court. He therefore ruled that remand was "inappropriate."

Magistrate was, however, still faced with the problem of the partial summary judgement, which the opposing lawyers could not respond to with the "specific facts" required by Fed. Rule Civ. Proc. 56(e). They could not even respond to the still unacceptable standards of "mere allegations" or "denials." They couldn't even address it.

Here, again, the Magistrate abandoned his impartial role as judge to serve as lead counsel for the defense. Instead of the usual practice of a lawyer presenting an argument, and the judge acting on it, Magistrate Martinez fabricated a straw man case, to which the opposing counsel responded by copying the Magistrate's exact words.

For instance, the Magistrate wrote that the Petitioner had presented "no evidence," though the evidence was exactly the same as that presented in the Appendix.

The Magistrate said the Petitioner "makes numerous references to his ongoing custody dispute," but the only "factual allegation" had to do with a police search. Yet the partial summary judgement, identical to what was presented in the previous subsection, made exactly those factual allegations, backed with evidence, and nowhere mentioned either custody dispute or police search.

The Magistrate wrote on this same matter of judges abdicating their jurisdiction to the corrupt interests of the state, that "nowhere can the court discern an actual issue as to which the plaintiffs request summary judgement." The opposing counsel parroted the exact words.

Also pending in that district court is a third case. This case represents a collusion between the judge, prosecutors, Mark's so-called lawyer, and the office of the public defender to put Mark in jail for ten-plus years. An example of the crime he is alleged to commit is the robbery of $40 worth of soda pop and similar items from a store. For witnesses, the state had lined up the youth who had told Mark he had committed the crime, and whom Mark, when questioned by the police, reported same. Another witness was a youth who had been blackmailed into testifying against Mark, yet testified in another case that Mark had nothing to do with this robbery. Mark was never allowed access to this witness's transcript. Others called as witnesses were about half a dozen Anacortes police, all of whom were named as defendants in the federal actions, and one of whom was the one mentioned above who twice attempted to murder Mark.

This case is notable because it is perhaps the first time in U.S. judicial history that a prosecutor has hand-picked a criminal defendant's lawyer (over Mark's objections), and his lawyer, as opposed to doing any work whatsoever to defend Mark, has publicly and voraciously defamed Mark, in court and out, and has openly colluded with the prosecutors and judge to deny Mark any defense whatsoever. This case raises the concept of kangaroo court to a new plateau. Even the Communist show trials of the 1930s offered a show of a defense lawyer. But not the Skagit County Superior Court.

Judge Rothstein also presides over this case, and has again appointed Magistrate Martinez to handle pretrial motions. Pending at this writing is the Petitioner's affidavit of prejudice against the Magistrate for this case.

In the Petitioner's previous summary judgement motions, opposing counsel have expressed their deep unhappiness at the pain the Petitioner's pleadings apparently cause them, though they have not been able to translate this unhappiness into legal arguments which can address, much less dispute, the Petitioner's facts, legal citations, or arguments. Previously, however, these lawyers have at least presented something.

In this case, however, none of the defendants, which include the Washington State Bar Association – which, as they have for the past seven years, covered up the crooked activities of these lawyers, and has said, in effect, that a defense lawyer openly colluding with prosecutors to put an innocent youth in jail meets the highest standards of the ABA code of conduct – none of these defendants has even filed a response, which is now several weeks past due.

They no doubt expect that Magistrate Martinez will fabricate a series of lies, which they will then dutifully recycle back, as if this will somehow give the lies legitimacy.

Petitioner also plans to file three more separate actions in that district court over the next few months, plus any others that the ongoing oppression might dictate. If necessary, all of these cases will proceed through the Court of Appeals to this Court.

Two obvious lessons emerge from this, though no judge, in the past seven-plus years has noticed them.

The first is that frivolous dismissals clog the system of justice and waste scarce judicial resources.

The second is that no litigation can be put to rest unless it is adjudicated. Simple as that. This case is

the proof of that. Each succeeding denial of due process and violation of the law only creates a new reason for litigation.

This litigation will not go away until a judge comes along who is not so afraid of his or her shadow that he or she is willing to adjudicate the issues in a fair and impartial way, despite the umbrage this might cause among the corrupt interests of the State.

AMPLIFIED REASONS FOR ALLOWANCE OF THE WRIT

As a prelude to this section, it should be noted that, though the Petitioner's opponents have amassed a massive liability against themselves, and he has confronted each fresh outrage with an increased demand – the Petitioner has never been involved in this conflict for money. Nor is it a career move. His only motivation has been that of a father attempting to defend his children.

This Court should note that, from the very beginning, the Petitioner has made countless offers of some kind of reasonable settlement, ones that would not cost his opponents any money.

For instance, in the state trial last year, at which time the Petitioner had custody of two of the remaining children then under 18 (the twins were due to soon turn 18). His opening statement asked for custody of his disabled daughter, Melanie, for the simple reason that he would provide the time, effort, and cost needed for her to cope with that disability, which has been neglected for all this time. Unlike Ms. Major, whose main intent, from start to finish, has been to sever the children from their father, Petitioner has acted on the belief that the children need both a mother and a father. Now the two families live several hours apart, which makes visitation trips expensive and time consuming. Petitioner offered to move close to Ms. Major to allow children and mother to have as much time together as both sides would want. He also offered to pay the state whatever it said it wanted, provided a reasonable payment schedule was worked out. Moreover, in addition to having custody and paying all expenses for the children, he offered to still pay Ms. Major child support until the youngest was 18.

These offers, like all of the ones before, were not addressed, not even as starting points for negotiation. The only intent, from start to finish, of all these parties has been to destroy the father, and any child who gets in the way.

In similar fashion, the Petitioner, in his public pleadings in federal court, has stated that if the opposing lawyers could prove that he was wrong on any of the salient points, he would withdraw all of this lawsuits, write apologies all around, and pay all costs and attorneys' fees. As shown above, all of these lawyers have not been able to address, much less dispute any of the substantive issues or facts in this case.

The Petitioner guarantees absolutely that, should this Court grant the Writ, that all of these lawyers, which represent the best and brightest Washington State has to offer, the head lawyers from the Washington State Bar Association, several counties and the state's largest law firms – will fail to address, much less dispute what has been set forth in this Writ. What they have failed to do in state court, and could not do in either federal district court or the court of appeals, they will not be able to do in this Court. The only way these lawyers, dozens of them over the past seven years, have been able to defeat an ordinary non-lawyer citizen, is through cheating at the law and the corruption of judges. The judges, unfortunately, have not even been able to rise to this standard.

How did this situation come about? Several decades ago, divorced fathers voluntarily paid up to 80 percent of the support for their children. But when government agencies such as DCS got involved, they grew into bloated bureaucracies needing to perpetuate

themselves and gradually transforming themselves into agencies of extortion under the "color" of law.

Statistics indicate that between 1976 and 1997, delinquent child support cases in the country jumped from $2 million to $20 million, with money collected for about 25 percent of the cases. Statistics like these are used to make you think that there's been a tremendous increase in deadbeat dads. But the myth of the deadbeat dad is the biggest lie to come down the pike since raped women asked for it.

What's really happened is the tremendous growth of state-sponsored racketeering, under the "color" of an euphemism such as "child support." Fathers are where the money is at. Petitioner's use of the term "racketeering" is not hyperbole. This case contains all of the elements needed for RICO, attempted murder, kidnapping, extortion, and so on. This is a multi-billion dollar scandal, which, when fully uncovered, will dwarf in scale the recent one concerning the tobacco industry. If this Court hasn't yet been flooded with similar cases, that's only because it's difficult to imagine many fathers surviving the gauntlet this one has. But, if the situation is not corrected, they will come. Children's and father's rights will be for this century what African-American and women's rights were for the last one.

Nowhere in the civilized, or, for that matter, uncivilized world, does any government target for destruction a decent father and his innocent children for no other reason than that he is divorced and his children choose to live with him. Except in the U.S.A. This intentional, systematic, and full-scale government action, made possible only through the collusion of the courts, to use every possible combination of police and bureaucratic brutality to crush a father and his children spiritually, emotionally, physically, and

economically to the point of incarceration, mental collapse or death is, despite the spurious cover of legalese and bureaucratese – beyond the realm of fundamental human decency. It is barbaric. It is outrage.

The Petitioner's opponents work on the premise that every judge is corruptible. Petitioner, however, works on the premise that sooner or later a judge will find it more important to uphold the Constitution of the United States than to cover up the crooked actions of the judges who went before.

One would have thought that, by this time, a judge who had been presented with this case would be overwhelmed by moral shame at witnessing this degradation of his or her chosen and honored profession, and felt impelled, by conscience, to do something about it. It hasn't happened yet.

This case, in which federal and state judges systematically fail to uphold the U.S. Constitution and the laws of the land and to abdicate the independence of the judiciary for the express purpose of serving the corrupt interests of the state certainly meets this criterion.

Furthermore, this case does not simply represent an aberration of the system of justice which has affected a single family. On the contrary, this case is simply one manifestation of a brutally enforced system of injustice which has done and continues to inflict, under the color of the law, official lawlessness and institutionalized violence, upon decent fathers and their innocent children. These are citizens of the United States who are suffering grave and often irreparable injury at the hands of their government, and find no protection whatsoever under the law.

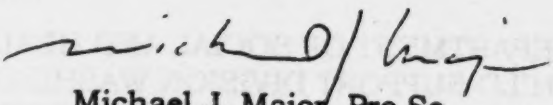
This is an issue of profound and far-reaching significance. The Court must bring to an end this intentional destruction of our nation's fathers and children.

CONCLUSION

The petition for a writ of certiorari should be granted.

DATED February 5, 2001

Respectfully submitted,



Michael J. Major, Pro Se
904 32nd Street
Anacortes, WA 98221
(360) 299-2286

APPENDIX A – NOVEMBER 13, 2000 ORDER OF NINTH CIRCUIT COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 00-35504
CT/AG#: CV-99-01824-TSZ

MICHAEL J. MAJOR; MARK R. MAJOR

Plaintiffs – Appellants

v.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES; CHILD SUPPORT DIVISION WASHINGTON STATE, CHILD PROTECTIVE SERVICES, DEPARTMENT OF SOCIAL AND HEALTH SERVICES; GENERAL ADMINISTRATION DEPT OF THE STATE OF WA

Defendants

and

WASHINGTON STATE BAR; FELICE P. CONGALTON; JAMES B. DREWLOW

Defendants – Appellees

APPEAL FROM the United States District Court for the Western District of Washington (Seattle).

Appendix A

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the appeal in this cause be, and hereby is dismissed.

Filed and entered November 13, 2000

A true copy
Cathy A. Catterson
Clerk of Court
ATTEST
DEC. 5, 2000
s/ Cathy A. Catterson
Deputy Clerk

Appendix A

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 00-35504
DC# CV-99-1824-TSZ
Western Washington (Seattle)

ORDER

MICHAEL J. MAJOR; et al.,

Plaintiffs – Appellants,

v.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES; et al.,

Defendants,

WASHINGTON STATE BAR; et al.,

Defendants – Appellees.

Before: FARRIS, REINHARDT and KLEINFELD, Circuit Judges

The court has received and reviewed appellant's response to the court's August 11, 2000, order to show cause. A review of the record and appellant's opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further

argument. *See United States v. Hooton*, 693 F.2d 857 (9th Cir. 1982) (per curiam).

Accordingly, we summarily affirm the district court's judgment.

All pending motions are denied as moot.

AFFIRMED.

A true copy
Cathy A. Catterson
Clerk of Court
Attest
Dec. 5, 2000
s/ Cathy A. Catterson
Deputy Clerk

APPENDIX B – APRIL 25, 2000 ORDER OF U.S. DISTRICT JUDGE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASE NO. C99-1824Z

ORDER

MICHAEL J. MAJOR,

Plaintiffs,

v.

DSHS, et.al.,

Defendants.

The Court, having reviewed the Report and Recommendation of Magistrate Judge Ricardo S. Martinez, and the balance of the record, does hereby find and ORDER:

(1) The Report and Recommendation is approved and adopted;

(2) The amended complaint and action are DISMISSED; and

(3) The Clerk is directed to send copies of this Order to plaintiffs, to counsel of record, and to the Hon. Ricardo S. Martinez.

DATED this 25th day of April, 2000.

Appendix B

s/ Thomas S. Zilly
THOMAS S. ZILLY
UNITED STATES DISTRICT JUDGE

APPENDIX C – MARCH 9, 2000 REPORT AND RECOMMENDATION OF U.S. MAGISTRATE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASE NO. C99-1824Z

REPORT AND RECOMMENDATION

MICHAEL J. MAJOR,

Plaintiff,

v.

DSHS, et al.,

Defendants.

Plaintiff Michael Major, appearing pro se and in forma pauperis (IFP), filed a complaint naming over 120 defendants, including many individuals and numerous state agencies, and accompanied by an essay titled "Racketeering Among the Government Agencies of Washington State." Dkt.#2. The court found that the complaint failed to state a basis for federal court jurisdiction and failed to meet the requirements of F.R.Civ.P.8(a). Dkt.#6. Plaintiff was advised that the complaint would be dismissed unless he filed an amended complaint "setting forth a short and plain statement of facts and legal claims showing a basis for federal court jurisdiction..." Id. In response, plaintiff has filed a 119 page amended

complaint which names 138 defendants, including Governor Gary Locke, the Washington State Court of Appeals, the Washington State Bar Association, several counties and the superior courts thereof, and many other agencies and individuals. This amended complaint fails to comply with the directives set forth in the court's order, and contains additional defects as set forth below.

First of all, the complaint purports to name as plaintiffs Michael Major and his six children. Only Michael Major has been granted leave to appear in forma pauperis. Apparently one child, Mark Major, is over the age of eighteen (See, Dkt.#8, p. 21); he must submit his own application for leave to proceed IFP before he can appear as a plaintiff. The remaining children may only appear through counsel. The rule in this circuit, as in others, is that a parent cannot bring a lawsuit in federal court on behalf of minor children without retaining a lawyer. Johns v. County of San Diego, et al., 114 F. 3d 874 (9th Cir. 1997). This rule promotes the interests of the children by ensuring that their rights are fully protected, and also is consistent with the general rule that a non-lawyer cannot represent anyone other than himself. Id. at 876. Michael Major may not thus assert any claims on behalf of his minor children.

Beyond these defects, the amended complaint wholly fails to comply with the court's Order that plaintiff show, by short and plain statement, a basis for federal court jurisdiction over each named defendant. To the extent that the amended complaint can be understood, it appears to be concerned with child custody and support issues, an area from which the federal courts traditionally abstain. Under the doctrine of equitable abstention, "federal courts traditionally decline to exercise jurisdiction in

domestic relations cases when the core issue involves the status of parent and child..." Coats v. Woods, 819 F. 2d 236, 237 (9th Cir.); cert.denied, 484 U.S. 802 (1987). Even where constitutional issues are presented, the state court is competent to decide them. Id.

Further, to the extent that plaintiff asks for "reversal" of state court actions, and "cessation" of further proceedings, it violates traditional rules of federal-state comity. This action presents a classic case for application of the abstention doctrine. Younger v. Harris, 401 U.S. 37 (1971). All of the necessary elements are present: (1) an ongoing state proceeding; (2) implication of important state interests; and (3) an adequate opportunity for the plaintiff to raise his federal questions in the state proceedings. Fresh International Corporation v. Agricultural Labor Relations Board, 805 F. 2d 1353, 1357-58 (9th Cir. 1986) (citing Middlesex County Ethics Commission v. Garden State Bar Association, 457 U.S. 423, 432 (1982).

Additionally, the amended complaint presents issues of immunity of numerous defendants, as well as statute of limitations issues; neither defect needs further comment. It does not appear that these defects, nor the ones set forth above, can be cured by further amendment. Accordingly, the amended complaint should be dismissed for failure to comply with the court's previous Order, as well as pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted. All of plaintiff's pending motions should be stricken.

Proposed forms of Order and Judgment reflecting this recommendation are attached.

Appendix C

DATED this 9th day of March, 2000.

s/ Ricardo S. Martinez
RICARDO S. MARTINEZ
United States Magistrate Judge

APPENDIX D – AUGUST 2, 1999 AFFIDAVIT OF MICHAEL J. MAJOR

SUPERIOR COURT OF WASHINGTON
COUNTY OF SKAGIT

NO. 97-3-00191-5

PETITIONER'S MOTION FOR PERMISSION TO FILE AND MOTION, AFFIDAVIT OF PREJUDICE, AND ORDER

In re. the Marriage of:

MICHAEL J. MAJOR,

Petitioner,

And

CAROLYN R. MAJOR,

Respondent.

My name is Michael J. Major. I declare and state as follows:

I. MOTION FOR PERMISSION TO FILE:
I motion for permission to file this paper.

II. MOTION THAT JUDGE JOHN M. MEYER DISQUALIFY:
I motion that Judge John M. Meyer disqualify.

III. AFFIDAVIT OF PREJUDICE

Appendix D

Judge Meyer refused to make two key discretionary rulings in this case. He refused my motion to review the ruling of Commissioner Needy, a clear instance of the latter's abuse of discretion in his turning his court into an instrument of extortion. He also refused my motion to compel, which would have further demonstrated Ms. Major's welfare fraud. By refusing to hear these motions, instead "reserving" them for trial, at which time they would be meaningless, Judge Meyer clearly abdicated his responsibility and so signaled his tacit permission for the Skagit County Superior Court to be further used as an vehicle for racketeering. I certainly do not believe I would receive a fair trial from Judge Meyer. He must be impeached, removed from office, and sent to jail. There is no judicial immunity for racketeering. "Racketeering" exhibit attached.

s/ Michael J. Major
MICHAEL J. MAJOR

Signed and sworn to before me in Anacortes, WA on

August 2, 1999 by s/ Mary Walker
NOTARY
My appointment expires 4/30/00

IV. ORDER
I herein disqualify myself from this case.

DATE: _____ _____
JUDGE JOHN M. MEYER

Copies to: Gwen Halliday, and a copy will be sent to Carolyn R. Major upon filing.

Appendix D

[notary seal]
Notary Public
Mary M. Walker
State of Washington
Commission Expires April 30, 2000

APPENDIX E – AUGUST 2, 1999 OBJECTION OF MICHAEL J. MAJOR

SUPERIOR COURT OF WASHINGTON
COUNTY OF SKAGIT

In re. the Marriage of:

MICHAEL J. MAJOR,

Petitioner,

and

CAROLYN R. MAJOR,

Respondent.

COMES NOW the petitioner, Michael J. Major, with this motion to permit the filing of this objection, and the objection.

Mr. Major objects to Commissioner Needy's granting the State leave to file a motion to compel and setting a hearing for same, not because this is not the State's right, but because he has refused leave for Mr. Major to file a motion to compel previously against Ms. Major. This discovery would have added further proof to Ms. Major's participation in welfare fraud. Commissioner Needy's covering up this welfare fraud and so denying Mr. Major's statutory right to discovery is but further evidence of how he has allowed his court to become a medium for racketeering, (see the attached paper: "Racketeering Among the Government Agencies of Washington State") and why he must be impeached, removed from office, and sent to jail. There is no judicial immunity for racketeering.

Appendix E

DATED August 2, 1999

Submitted by
s/ Michael J. Major
Michael J. Major
904 32nd Street
Anacortes, WA 98221
(360) 299-2286

Copy to: Gwen Halliday, and a copy will be sent to Carolyn R. Major upon filing.

APPENDIX F – AUGUST 5, 1999 ORDER OF JUDGE JOHN M. MEYER

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

NO. 97-3-191-5
( ) Clerk's Action Required

ORDER ON:
( ) Civil
( ) Criminal
(X) Domestic
( ) Other

In re:

Michael J. Major

Petitioner,

v.

Carolyn R. Major,

Respondent.

THIS MATTER having come on regularly and the Court having heard the motion(s): for permission to file and to disqualify.

THIS COURT FINDS: 1) The document "Racketeering" should be filed and 2) the undersigned judge has previously made a discretionary ruling herein.

Appendix F

IT IS HEREBY ORDERED, ADJUDGED and DECREED that: motion to file is granted, motion to disqualify is denied. If Petitioner wishes to resolve the issues in this case, he should note the matter for trial assignment.

DATED: 8/5/99

s/ John Meyer
JUDGE/Commissioner

Presented by:

_____
Attorney for

Approved:

_____
Attorney for

cc: [illegible]

APPENDIX G – NOVEMBER 22, 1999 NOTE FOR TRIAL ASSIGNMENT BY KURT E. HEFFERLINE

SUPERIOR COURT OF WASHINGTON
COUNTY OF SKAGIT

No: 97-3-00191-5

NOTE FOR TRIAL ASSIGNMENT
(Non-Jury)

CLERK'S ACTION REQUIRED

In Re:

MICHAEL J. MAJOR,

Petitioner,

and

CAROLYN R. MAJOR,

Respondent.

TO: The Clerk of the Skagit County Superior Court

and Michael J. Major, Petitioner
Carolyn R. Major, Respondent

I hereby affirm that this case is at issue; that no affirmative pleading remains unanswered; that to my knowledge no other parties will be served with summons; and that the case is in all respects ready for trial.

Appendix G

[X] NOTE FOR TRIAL ASSIGNMENT (Case not subject to Mandatory Arbitration because Petitioner seeks relief other than money judgment.)

The Clerk is requested to send this cause to the Court Administrator for Trial Assignment on:

ASSIGNMENT DATE: 12/06/99 – 9:30 a.m.

ESTIMATED LENGTH: 2 DAYS

ISSUES TO BE RESOLVED: ESTABLISHED CHILD SUPPORT AMOUNT; CHILD SUPPORT ARREARS

DATED this 22nd day of November, 1999.

SKAGIT COUNTY PROSECUTING ATTORNEY

s/ Kurt E. Hefferline
KURT E. HEFFERLINE, WSBA #17781
Assistant Chief Deputy Prosecutor

Skagit County Prosecuting Attorney
Family Support Division
1617 E. Division, Mount Vernon, WA 98274
Ph: (360) 336-9461 FAX: (360) 336-9393
9624

APPENDIX H – DECEMBER 22, 1999 NOTE FOR TRIAL ASSIGNMENT BY MICHAEL J. MAJOR

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

NO. 97-3-00191-5

PETITIONER'S DEMAND FOR JURY TRIAL
NOTE FOR TRIAL ASSIGNMENT
OBJECTION
MOTION FOR PETITIONER TO PROCEED IN FORMA PAUPERIS AND RETURN OF FEES

In re:

MICHAEL J. MAJOR,

Petitioner,

And

CAROLYN R. MAJOR,

Respondent.

My name is Michael J. Major. I state and declare as follows:

I. PETITIONER'S DEMAND FOR JURY TRIAL

Although, as will be shown in point III, I am objecting to the trial – on the premise that it will proceed – I am herein demanding a trial by a jury of six members, pursuant to CR 38. This demand is being filed, mailed to the parties, and fee paid.

Appendix H

II. NOTE FOR TRIAL ASSIGNMENT

Assignment date: 12/6/99 - 9:30 a.m.
Estimated length: Two weeks
Type of trial: Trial by six-member jury
Issues to be tried: The illegal and criminal actions by the State of Washington, its employees and agents, including its judges and prosecutors, and Carolyn R. Major, against the Petitioner and his children, including attempted murder and aggravated assault; kidnapping; aiding and abetting and covering up crime, including false arrests, domestic violence, and welfare fraud; extortion and blackmail; the systematic denial of due process and the self-imposed abnegation of the independence of the judiciary into the corrupt interests of the State; in an ongoing vendetta which has included a massive, rigorous, and intentional trampling of civil procedures, state and federal laws, and civil liberties, as well as both the intentional and negligent infliction of emotional distress; plus the issues of custody and child support. The depiction of the specific incidents are found in the paper, Racketeering Among the Government Agencies of Washington State, now on file, the updated version to be served upon all the defendants in the Petitioner's federal suit, this updated paper to also be introduced at trial.

APPENDIX I – DECEMBER 13, 1999 NOTICE OF TRIAL DATE BY SKAGIT COUNTY SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY
Courthouse Building, Room 202
205 W. Kincaid Street
Mount Vernon, WA 98273
(360) 336-9320

December 13, 1999

Michael J. Major
904 32nd Street
Anacortes, WA 98221

Carolyn R. Major
5050 State Hwy 303
Suite 103, #311
Bremerton, WA 98312

Kurt E. Hefferline, Esq.
Assistant Chief Deputy
Family Support Division
1617 E. Division
Mount Vernon, WA 98274

NOTICE OF NON-JURY TRIAL DATE

Case Number: 97-3-00191-5

Case Name: Michael J. Major & Carolyn R. Major
(Established Child Support; Child Support Arrearages)

Appendix I

The NON-JURY TRIAL is scheduled for:

DATE: Tuesday, February 22, 2000

TIME: 9:30 a.m.

LENGTH: 2 days

APPENDIX J – FEBRUARY 22, 2000 NOTE FOR TRIAL ASSIGNMENT BY MICHAEL J. MAJOR

IN THE SUPERIOR COURT OF WASHINGTON
FOR SKAGIT COUNTY

NO. 97-3-00191-5

NOTE FOR TRIAL ASSIGNMENT

CLERK'S ACTION REQUIRED

In re:

MICHAEL J. MAJOR,

Petitioner,

and

CAROLYN R. MAJOR,

Respondent.

To the Clerk and Sharon Thatcher, Carolyn R. Major, and Gwen L. Halliday:

I hereby affirm that once my three motions, noted for March 20, 2000, are heard, that no affirmative pleading remains unanswered, and, with the resolving of those issues, that this case is ready for trial.

Estimated length: Two weeks

Issues to be resolved: The illegal and criminal actions by the State of Washington, its employees and agents,

including its judges and prosecutors, and Carolyn R. Major, against the Petitioner and his children, including attempted murder and aggravated assault; kidnapping; aiding and abetting and covering up crime, including false arrests; domestic violence, and welfare fraud; extortion and blackmail; the systematic denial of due process and the self-imposed abnegation of the independence of the judiciary into the corrupt interests of the State; in an ongoing vendetta which has included a massive, rigorous, and intentional trampling of civil procedures, state and federal laws, and civil liberties, as well as both the intentional and negligent infliction of emotional distress; plus the issues of custody and child support. The depiction of the specific incidents are found in the paper, Racketeering Among the Government Agencies of Washington State, now on file, the updated version served upon all the defendants in the Petitioner's federal suit, that paper also currently filed as Petitioner's brief. These "racketeering" issues have been approved to be noted for trial by Judge John Meyer (see attached Exhibit 4 to the three motions).

Submitted by,
s/ Michael J. Major
Michael J. Major
904 32nd Street
Anacortes, WA 98221
(360) 299-2286

Dated February 22, 2000

APPENDIX K – MARCH 2, 2000 NOTICE OF TRIAL DATE BY SKAGIT COUNTY SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY
Courthouse Building, Room 202
205 W. Kincaid Street
Mount Vernon, WA 98273
(360) 336-9320

March 2, 2000

Mr. Michael J. Major
Pro Se
904 32nd Street
Anacortes, WA 98221

Ms. Sharon Thatcher
Attorney at Law
17791 Fjord Drive NE, Suite K
Polsbo, WA 98370

Ms. Gwen L. Halliday
Deputy Prosecuting Attorney
Family Support Division
1617 E. Division
Mount Vernon, WA 98274

NOTICE OF NON-JURY TRIAL DATE

Case Number: 97-3-00191-5

Case Name: Michael J. Major & Carolyn R. Major
(Established Child Support; Child Support Arrearages)

Appendix K

The NON-JURY TRIAL is scheduled for:

DATE: Monday, May 22, 2000

TIME: 9:30 a.m.

LENGTH: 2 days

This case is being assigned to a Snohomish County judge.

cc: Sarah R. Rice

APPENDIX L – DECEMBER 8, 1999 ORDER OF JUDGE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

No. C99-1824Z

MINUTE ORDER

MICHAEL J. MAJOR,

Plaintiff,

v.

DSHS, et al.

Defendants.

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

Plaintiff's motions for injunctive relief and removal, docket no. 3, and motion for service of summons, docket no. 4, are hereby DENIED.

The Court hereby orders plaintiff to SHOW CAUSE in writing why this case should not be dismissed without prejudice because the complaint fails to meet the requirements of Fed.R.Civ.P.8(a). The Court advises plaintiff that his complaint will be dismissed unless he files by January 7, 2000, an amended complaint setting forth a short and plain

Appendix L

statement of facts and legal claims showing a basis for federal court jurisdiction over each named defendant and upon which relief may be granted.

The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Filed and entered this 8th day of December, 1999.

BRUCE RIFKIN, Clerk

By s/ Casey Condon
Casey Condon
Deputy Clerk

APPENDIX M – FEBRUARY 4, 2000 ORDER OF JUDGE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASE NO. CV99-1824Z

ORDER OF REFERENCE
Supervision of All Pretrial
Proceedings in Civil Case

Michael J. Major & Michael R. Major,

Plaintiff,

vs.

Port Townsend Police Dept.,

Defendant.

The Court hereby refers all pretrial proceedings in this case to United States Magistrate Judge Ricardo S. Martinez, pursuant to 28 U.S.C. §636(b)(1), Local Rules MJR 3 and 4, and Fed. R. Civ. P. 72. The Magistrate Judge shall:

(a) consider and take appropriate action upon any and all motions currently pending, and any other motions filed prior to trial;
(b) supervise the completion of discovery;
(c) supervise the preparation of a pretrial order; and

Appendix M

(d) consider and act upon such other matters as might arise in the pretrial phases of this case.

Review of actions by the Magistrate Judge shall be in accordance with the provisions of 28 U.S.C. §636(b)(1), Fed. R. Civ. P. 72, and Local Rules MJR 3 and 4.

DATED this 4th day of February, 2000

s/ Thomas S. Zilly
Thomas S. Zilly
United States District Judge

APPENDIX N – MARCH 21, 2000 ORDER OF JUDGE RICHARD J. THORPE

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SNOHOMISH COUNTY

RICHARD J. THORPE, JUDGE

SNOHOMISH COUNTY COURTHOUSE
M/S #502
3000 Rockefeller Avenue
Everett, WA 98201-4060
(425) 388-3421 (425) 388-3536

DEPT. 8
(425) 388-3408
Fax: (425) 388-3714
Richard_Thorpe@co.snohomish.wa.us

March 21, 2000

Michael J. Major
904 32nd Street
Anacortes, WA 98221

Ms. Sharon Thatcher
Attorney at Law
17791 Fjord Drive NE, Suite K
Poulsbo, WA 98370

Ms. Gwen L. Halliday
Dep. Pros. Atty
1617 E. Division
Mount Vernon, WA 98274

Re: Major & Major Kitsap County Superior Court
Cause #97 3 00191 5

Appendix N

Dear Mr. Major and Counsel:

The court has considered the following:

- Petitioner's Motion for Contempt & Sanctions Against Carolyn R. Major, Motion to Subpoenas (sic) M. Taylor for Records, Motion to Subpoena Witnesses
- Declaration of Carolyn Major in Support of Respondent's Motion to Dismiss Petitioner's Motions
- Petitioner's Addendum to Motions
- Note for Trial Assignment (Subfile #228)
- Motion in Limine
- Notice of Judicial Conflict of Interest & Motion for Disqualification; Objection to Prosecutor's Motion & Motion that Prosecutor Set Time with Proper Service & Motion for Contempt/Sanctions.

We will deal with the last document first.

The motion for me to disqualify myself is denied. I have no personal animus toward Mr. Major. I have encountered him in a courtroom and ruled on some matters in Jefferson County, but that neither disqualifies me nor prejudices me against him.

Mr. Major's threat to sue me if I don't rule as he wishes does not endear him to me, but I will not

condone a party shopping for a judge by suing every judge who doesn't agree with him.

Concerning the Motion in Limine brought by the State of Washington, Division of Child Support, I will sustain Mr. Major's objection to deciding it at this time, in order to give Mr. Major time to respond. The Motion in Limine will be heard at the beginning of the trial on May 22, 2000, but all parties should be advised that the court does not view Mr. Major's racketeering article as a pleading which raise [sic] issues for adjudication in this case.

The original motion to be decided was the Petitioner's Motion for Contempt etc. The motion for contempt and sanctions will be denied, without prejudice to its being renewed at the time of trial. The gist of the motion appears to be based in allegations that Ms. Major is in contempt of court for bringing Marlon to see M. C. Taylor of Grayson Associates and for blackmailing Dr. Meek. There is no substantial evidence of the latter, and the order prohibiting Mr. Major from taking Melani to a therapist does not prohibit Ms. Major from bringing Marlon to one.

Mr. Major's motion to subpoena M. E. Taylor and her record will be granted and the court will sign an appropriate subpoena duces tecum. If Ms. Taylor or any other party wishes to move to quash the subpoena once it's served, they may do so.

Concerning the motion to subpoena witnesses, the court will not subpoena David E. Needy, John M. Meyer, Michael R. Rickert, Susan K. Cook, or Ken Williams unless Mr. Major can persuade the court that they have personal knowledge of the issues directly

pertinent to parenting plan or support issues. They will not be subpoenaed and examined about their official actions, which speak for themselves.

In his Motion to Subpoena Witnesses, Mr. Major indicates that "these witnesses are necessary to deal with the racketeering issues that the head judge, Judge John Meyer ordered approved for trial." This court finds that Judge Meyer did no such thing. He ordered that the racketeering article may be filed. Filing a document does not change it into something that it is not. It is not a pleading. The persons named in it have not been made parties to this action. Indeed, they cannot be. If Mr. Major wants to commence a suit in state court, he must do it according to the court rules, as he appears to have done in Federal Court, by filing a complaint and serving it upon the defendants. Until persuaded to the contrary, which is unlikely, the racketeering issues will not be litigated in this action. Therefore, since the racketeering issues will not be litigated in this modification trial, the court will not issue subpoenas for the listed witnesses, unless Mr. Major can make a sufficient showing that they have testimony relevant to the parenting plan and support issues presently before the court.

Lastly, Mr. Major has filed a Note for Trial Assignment (Subfile #228) in which [sic] presents a litany of issues which he describes as "racketeering issues" and requests a two week trial. That request is denied. The modification trial, involving parenting plan and support issues, only, will proceed on May 22, 2000.

Appendix N

I will sign appropriate orders upon presentation.

Yours very truly,
s/ Richard J. Thorpe
Richard J. Thorpe

APPENDIX 0 – AUGUST 11, 2000 ORDER OF NINTH CIRCUIT COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 00-35504

DC# CV-99-1824-TSZ
Western Washington (Seattle)

ORDER

MICHAEL J. MAJOR; et al.,

Plaintiffs-Appellants,

v.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES; et.al.,

Defendants,

WASHINGTON STATE BAR; et al.,

Defendants-Appellees

Before: WALLACE and THOMAS, Circuit Judges

Appellant's motion for leave to proceed in forma pauperis on appeal is denied. Within 14 days from the date of entry of this order, appellant shall pay $105.00 to the district court as the docketing and filing fees and provide this court with proof of payment. Failure to comply with this order will result in the automatic

Appendix O

dismissal of the appeal by the Clerk for failure to prosecute, regardless of further filings by appellant. *See* 9th Cir. R. 42-1.

No motions for reconsideration, clarification, or modification of the denial of appellant's in forma pauperis status shall be filed or entertained.

If appellant pays the fees as required and files proof of such payment in this court, appellant shall simultaneously show cause why the judgment challenged in this appeal should not be summarily affirmed. *See* 9th Cir. R. 3-6. If appellant elects to show cause, appellee may file a response within 10 days of service of appellant's response. If appellant fails to file a response to this order, the Clerk shall dismiss this appeal for failure to prosecute. *See* 9th Cir. R. 42-1.

Appellee's request to amend the caption and the briefing schedule are held in abeyance pending further order of this court.